

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JACK GALARDI, RED EYED )  
INC. d/b/a CRAZY HORSE )  
SALOON, WALLEYE, LLC )  
MIA LUNA, INC. d/b/a )  
PINK PONY SOUTH, and )  
JG&P, LLC, )

Plaintiffs, )

vs. )

CITY OF FOREST PARK, )  
CORINE DEYTON, JOHN )  
PARKER, CHIEF DWAYNE )  
HOBBS, COUNCILPERSONS: )  
DEBORAH YOUMANS, )  
SPARKLE ADAMS, LINDA )  
LORD, and MAUDIE )  
MCCORD, )

Defendants. )

CIVIL ACTION

FILE NUMBER

1:09-CV-00965-AMT

**THE CITY OF FOREST PARK'S MOTION FOR RECONSIDERATION**

COMES NOW THE City of Forest Park (hereinafter the "City"), named as a defendant herein (hereinafter "the City") and, pursuant to Federal Rule of Civil Procedure 12 (b) (1) and (6) and LR 7.2 E (N.D. Ga.), files this motion for reconsideration of the Order of this Court dated May 26, 2011. The City respectfully requests that the Court reconsider its ruling as to the constitutionality of the regulatory fee contained within the City's 2010 adult entertainment

ordinance for the reasons more specifically set forth in the City's memorandum of law in support of its motion for reconsideration. In particular, because plaintiffs' amended complaint insufficiently specified the regulatory fee as the subject matter of a challenge, defendants did not specifically brief this issue to the Court in their motion to dismiss. The City would like the opportunity to do so by way of this motion.

In support of this motion, the City relies on the arguments and citations to authority presented in its accompanying brief, filed simultaneously with this motion, as well as the arguments and citations to authority presented in the memoranda of law in support of the City of Forest Park's motion to dismiss and defendants' supplemental motion to dismiss, and the City adopts said briefs herein as if specifically set forth, to the extent that they apply to the regulatory fee challenge. For the reasons more fully set forth in the accompanying brief, the City's motion for reconsideration should be granted.

[Signatures on following page.]

Respectfully submitted this 9th day of June, 2011.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day electronically submitted the foregoing **THE CITY OF FOREST PARK'S MOTION FOR RECONSIDERATION** to the Clerk of Court using the CM/ECF system which will automatically send electronic mail notification of such filing to counsel of record who are CM/ECF participants and mailed by United States Postal Service, first-class, postage prepaid, a paper copy of the same document to counsel of record who are non-CM/ECF participants. Counsel of record are:

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This 9th day of June, 2011.

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